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EXAMINER
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NORDMEYER, PATRICIA L

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ANNE M. DEHLINGER, MICHAEL J. MOORE, and  
WILLIAM BECKER

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Appeal 2015–003131  
Application 13/021,873  
Technology Center 1700

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Before BEVERLY A. FRANKLIN, JAMES C. HOUSEL, and  
JULIA HEANEY, *Administrative Patent Judges*.

FRANKLIN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants request our review under 35 U.S.C. § 134 of the Examiner’s decision rejecting claims 1, 2, 5–13, and 15–22. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

## STATEMENT OF THE CASE

Claim 1<sup>1</sup> is illustrative of Appellants' subject matter on appeal and is set forth below (with text in bold for emphasis):

1. A healthcare form assembly, comprising;
  - a quadrate carrier sheet, the quadrate carrier sheet having first and second transversely extending edges and first and second longitudinally extending sides, the quadrate sheet having top and bottom surfaces;
  - a release coating applied substantially over the top surface of the quadrate carrier sheet;
  - a pattern of adhesive applied over the release coating on the top surface of the quadrate sheet to create at least first and second adhesive areas having a top edge and a bottom edge;**
  - first and second peel zones provided along at least the top edge of each of the first and second adhesive areas;
  - a quadrate printable sheet juxtaposed substantially entirely over the quadrate carrier sheet, the quadrate printable sheet is provided with a plurality of cut lines running substantially parallel to the first and second longitudinally extending sides of the quadrate carrier sheet to form a series of removable strips over each of the first and second adhesive area;
  - a plurality of transversely extending cut lines extending substantially parallel to the transversely extending edges of the quadrate carrier sheet, **a first set of transversely extending cut lines defining the first peel zone and corresponding peel tabs along the top edge of the first adhesive area and a second set of transversely extending cut lines defining the second peel zone and corresponding peel tabs along the top edge of the second adhesive area;**
  - wherein the peel tabs facilitate removal of the removable strips;
  - wherein the peel tabs have a perforated cut through one edge to enable separation from the carrier sheet;

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<sup>1</sup> Appellants state on page 3 of the Appeal Brief that the Examiner indicated that claims 5, 6, and 8 had incorrectly depended from cancelled claims 3, 4, and 14. Appellants' claims as written in the Claim Appendix reflect a correction of claim dependency in this regard.

wherein the removable strips form a final tape with the peel tab removed;

wherein the series of removable strips over each of the first and second adhesive zones have a substantially equal length and at least two different widths.

App. Br. (Claims Appendix A1).

The Examiner relies on the following prior art references as evidence of unpatentability:

Corcoran	4,680,210	July 14, 1987
Janetzke	US 2003/0039790 A1	Feb. 27, 2003
Garvic et al. (hereafter “Garvic”)	US 2003/0186016 A1	Oct. 2, 2003
Do et al. (hereafter “Do”)	US 2005/0048244 A1	Mar. 3, 2005

### THE REJECTIONS

1. Claims 1, 2, 5–13, 15–19, 21, and 22 are rejected under 35 U.S.C. § 103(a) over Corcoran in view of Janetzke and Do.
2. Claim 20 is rejected under 35 U.S.C. § 103(a) over Corcoran in view of Janetzke and Do, as applied to claim 13 above, and further in view of Garvic.

### ANALYSIS

#### Rejection 1

Appellants argue, *inter alia*, that the applied art does not teach or suggest a first set of transversely extending cut lines defining the first peel

zone and corresponding peel tabs along the top edge of the first adhesive area and a second set of transversely extending cut lines defining the second peel zone and corresponding to peel tabs along the top edge of the second adhesive area (as recited in claim 1), and does not teach or suggest the similar recitation found in claim 13 pertaining to a series of transversely extending cuts defining first and second adhesive free areas, with the first adhesive free area defining a leading edge of a first area of strips and corresponding peel tabs and the second adhesive free area defining a leading edge of a second area of strips and corresponding peel tabs. Appeal Br. 11–12. Reply Br. 2.

In reply, the Examiner<sup>2</sup> states:

Do also clearly teaches a first set of cut lines defining the first peel zone and corresponding peel tabs along the top edge of the first adhesive area and a second set of cut lines defining the second peel zone and corresponding peel tabs along the top edge of the second adhesive area (Paragraph 0051; Figure 7, #204 and 206) as part of the adhesive label, the peel tabs facilitate removal of the removable strips (Figures 10 – 12; Paragraph 0052), the peel tabs have a perforated cut, or transverse cut line, through one edge to enable separation from the first sheet (Paragraphs 0051 and 0052; Figures 10 – 12).

Ans. 12.

Appellants' Figure 1 depicts a first set of transversely extending cut lines 36', 38', defining a first peel zone 37' and corresponding to peel tabs along the top edge of the first adhesive area 40, and a second set of transversely extending cut lines 36, 38, defining the second peel zone 37 and

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<sup>2</sup> We focus on the reference of Do because the Examiner relies upon Do for the claim features at issue in our decision.

corresponding to peel tabs along the top edge of the second adhesive area  
42. These features (as well as the similarly claimed features of claim 13) are  
shown in Figure 1 (reproduced below):

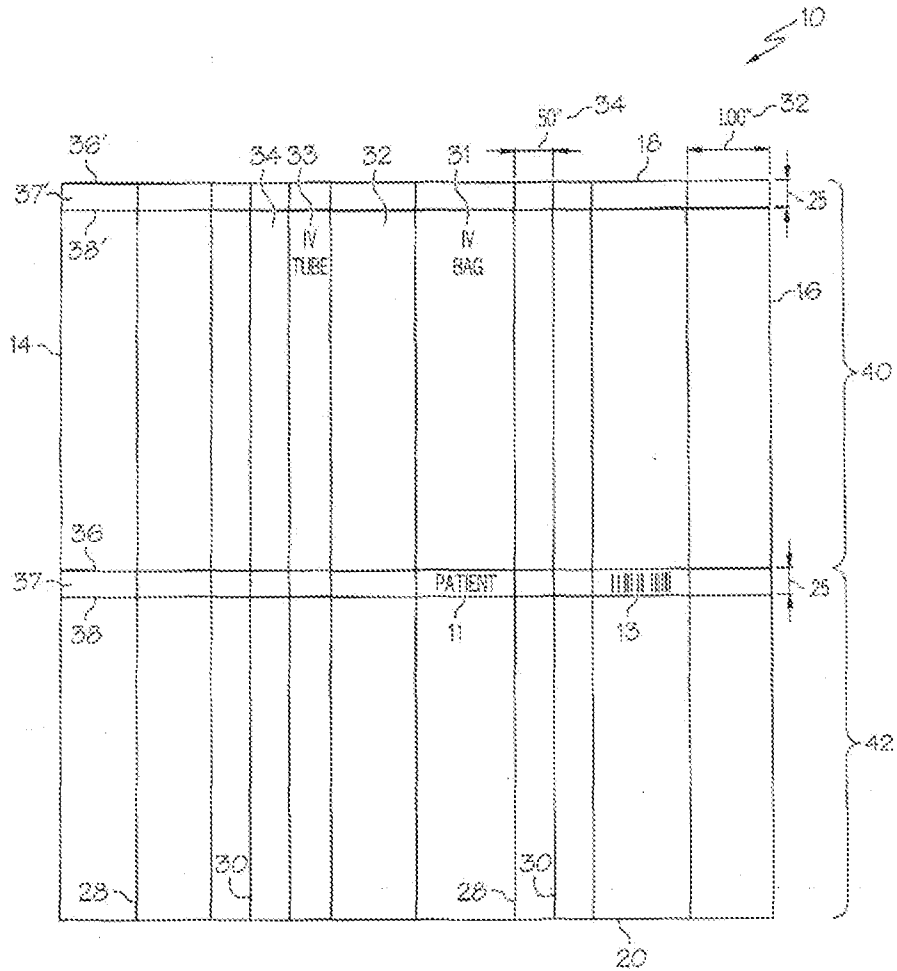


FIG. 1

Figure 1 depicts a front view of Appellants' healthcare form assembly.

It is the Examiner's position that Do's Figure 7, items 204 and 206, teach the aforementioned claim features (item 206 is actually labelled in Do's Figure 8). Ans. 6, 12. Do's Figures 7 and 8 are reproduced below.

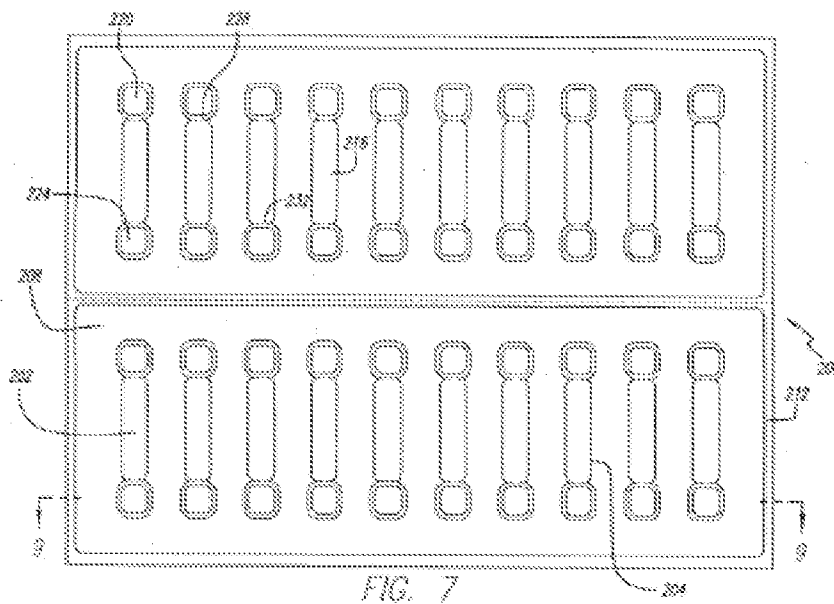


Figure 7 is a front view of Do's label applicator.

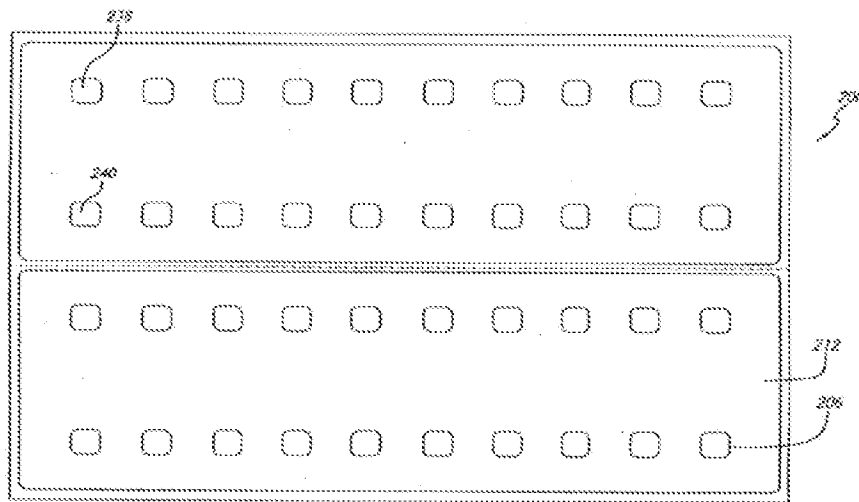


FIG. 8

Figure 8 is the rear view of Figure 7.

We agree with Appellants that the applied art does not teach or suggest a first set of transversely extending cut lines defining the first peel zone and corresponding to peel tabs along the top edge of the first adhesive area, and a second set of transversely extending cut lines defining the second peel zone and corresponding to peel tabs along the top edge of the second adhesive area, as recited in claim 1. The record lacks sufficient findings as to how Do's teachings (as discussed by the Examiner, mentioned, *supra*) meets these claim elements. For example, there is no explanation as to how cut lines 204, 206, shown in Do's Figures 7 and 8, are transversely extending cut lines corresponding to peel tabs along the top edge of their respective adhesive area. Such a configuration is not evident, as argued by Appellants. In like manner, the aforementioned claim elements of claim 13 are not met. As such, we agree with Appellants' position and reverse Rejection 1 for the reasons of record provided by Appellants, and as emphasized herein.



Rejection 2

The Examiner does not rely upon Garvic to cure the aforementioned deficiencies of the combination of Corcoran in view of Janetzke and Do, and therefore we also reverse Rejection 2.

DECISION

Each rejection is REVERSED.

ORDER  
REVERSED